

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 903 of 1993

Date of decision: 20-10-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KAMLESHKUMAR CHHOTALAL PATEL

Versus

STATE OF GUJARAT  
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Appearance:

MR DP Vora for Petitioner  
Ms. Siddhi Talati for Respondent No. 1  
MR KM PATEL for Respondent No. 3  
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Date of decision: 20/10/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The facts in this case are identical to the facts of special civil application No.841 of 1993 which has been decided today by this court, except the fact that in this petition the petitioner was appointed as Workshop attendant in the pay-scale of Rs.200-250 by order dated 3-7-1986. His services came to be terminated on the ground of reduction of number of students in the institution. While admitting the petition this court has protected the petitioner. The parties are not at issue that the interim relief continued till date.

2. The counsel for the petitioner submitted that the post of workshop attendant is a Class IV post and in the respondent No.3 institution there is post of chowkidar, which is also a class IV post, is vacant, and the petitioner has no objection if he is absorbed on the said post. The learned counsel for the respondents do not dispute this position.

3. In above view of the matter, special civil application is disposed of in terms that the claim of the petitioner for absorption as chowkidar be considered within a period of three months from the date of receipt of the writ of this order and appropriate order be passed. In case, for the reasons to be recorded in writing, the petitioner cannot be absorbed, then copy of the order maybe sent to the petitioner by registered post. In case of difficulty, liberty is granted to the petitioner for revival of this special civil application. Till the matter of absorption of the petitioner as chowkidar is decided by the respondents, the interim relief granted earlier by this court shall continue. Special civil application and the rule stand disposed of accordingly. No order as to costs.